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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,670	08/31/2001	Brad Pivar	7207-211	1117
27383	7590	01/04/2005	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			RONES, CHARLES	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/943,670

Applicant(s)

PIVAR ET AL.

Examiner

Charles Rones

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-- The MAILING DATE of this communicati n appears on th cover sheet with the corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

The amendment timely filed on November 17, 2003 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brimm et al. U.S. Patent No. 5,077,666 ('Brimm').

Brimm discloses:

As to claim 1,

selecting a document to be completed by more than one party; See 4:1-50; 5:35-55;

providing at least one request to a first user at a first location on a computer network for information used to complete the document; See 4:1-50; 6:35-51;

receiving at least one response to the least one request from the first user used to complete the document; See 3:55-67; 9:31-54;

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providing at least one request to a second user at a second location on the computer network for information used to complete the document; See 3:55-67; 9:31-54;

receiving at least one response to the least one request from the second user used to complete the document; See 3:55-67; 5:20-55; 9:31-54; and

writing information obtained from the first and second users used to complete the document onto at least one digital file; See 5:20-55; 9:31-53; 10:50-61.

As to claim 3,

determining whether the at least one response to at least one request from the first user is valid and second, at least one additional request to the first user for additional information if the at least one response from the first user is invalid; See 12:24-50.

As to claim 4,

determining whether the at least one response to the at least one request from the second user is valid and sending at least one additional request to the second user for additional information if the at least one response from the second user is invalid; See 12:24-50.

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As to claim 5,

performing a routine determined from the selected document to provide feedback to the first user, the feedback determined in part by the at least one response to the at least one request received from the first user; See 12:24-50.

As to claim 6,

performing a routine determined from the selected document to provide feedback to the second user, the feedback determined in part by the at least one response to the at least one request received from the second user; See 12:24-50.

As to claim 7,

performing, a routine determined from the selected document to provide feedback to the second user, the feedback determined in part by the at least one response to the at least one request received from the second user; See 12:24-50.

As to claim 8,

selecting a document to be completed by more than one party; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

providing at least one request to a first user at a first location on a computer network for information used to complete the document; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

receiving at least one response to the least one request from the first user used to complete the document; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

providing at least one request to a second user at a second location on the computer network for information used to complete the document; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

receiving at least one response to the least one request from the second user used to complete the document; See 5:20-55; 9:31-53; 10:50-61; 12:24-50; and

writing information obtained from the at least one response from the first and second users onto at least one digital file; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

wherein upon the recognition of an occurrence of an event on the computer network, a digital signature routine is performed on the at least one digital file to obtain a digital signature of the at least one digital file and wherein a time stamp corresponding to the time of the recognition of the occurrence of the event is created, the digital signature and the time stamp being sent to a remote location; See 5:20-55; 9:31-53; 10:50-61; 12:24-50.

As to claim 10

storage device; See 6:9-33;

processor connected to the storage device and to a first and second user on a computer network; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

the storage device storing a program for controlling the processor; and

the processor operative with the program to send at least one request associated with a selected document to a first user at a first location on a computer network; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

receive at least one response to the at least one request from the first user; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

send at least one request associated with the selected document to a second user at a second location on a computer network; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

receive at least one response to the at least one request from the second user; See 5:20-55; 9:31-53; 10:50-61; 12:24-50;

and write information obtained from the at least one response from the first and second users onto the at least one digital file; See 5:20-55; 9:31-53; 10:50-61; 12:24-50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brimm et al. U.S. Patent No. 5,077,666 ('Brimm').

As to claim 2,

Brimm discloses the claimed invention except for wherein the computer network is the Internet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wherein the computer network is the Internet since it was known in the art that connected to a broader network would enable users remote access available at more outside locations; See 5:58-67; 6:34-63.

Allowable Subject Matter

Claims 9 and 11 are allowed.

Response to Arguments

Applicant's arguments filed September 7, 2004 have been fully considered but they are not persuasive.

Firstly, applicant argues that Brimm does not teach a method where users "select a document to be completed by more than one party," and a multi-part document form.

In response, Examiner maintains that Brimm teaches the claimed limitations wherein

Second, Applicant argues that Brimm does not teach electronic processing a multi-part form document interactively by different parties.

In response, Applicant is arguing that which is not claimed.

Thirdly, Applicant argues that Brimm does not teach that requests for information are provided to a second user for additional information needed to complete the multi-part form document from a second user.

In response, with respect to the multi-part form, applicant argues that which is not claimed.

With respect to that requests for information are provided to a second user for additional information needed, Examiner maintains that Brimm teaches such wherein a system user (i.e., physician) signs the completion of a takes and any associated forms and forms are disseminated to different users (nurses and other hospital personnel) for completion.

Fourthly, Applicant argues that Brimm does not teach upon recognition of an occurrence of an event on the computer network, a digital signature routine is performed on at least one digital file to obtain a digital signature of at least one digital file and wherein a time stamp corresponding to the time of the recognition of the occurrence....”

In response, Examiner maintains that Brimm teaches such wherein Brimm teaches that the nurse signs electronically a document and the system times stamps it when a scheduled time occurs.

Fifthly, Applicant argues that Brimm does not teach sending information to a remote location.

In response, Examiner maintains that Brimm teaches such as claimed wherein Brimm discloses a nursing station and a bedside workstation which are deemed to be remote from each other; See Figures 2.

Sixthly, Applicant argues that Brimm does not teach a system having a processor operative with a program to "send at least one request associated with the selected document to a second user at a second location on a computer network..."

In response, Examiner maintains that Brimm teaches such as claimed. As for the sending a request from one user to another on a network, see previous response. As for the receiving at least one response to the at least one request from a second user and write information obtained from the at least one response form the first and second users onto the at least one digital file, Brimm discloses such wherein one doctor (first user) sends to a nurse (second user) information for the nurse to complete.

Lastly, although Examiner addresses the limitation of performing a step to allow a user to complete a document, little patentable weight is given on completing a document since a user editing a document could be seen a relative to when a document is complete or not and applicant does not claim a step of determining or testing when a document is complete by some set of rules or standards.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles Rones
Primary Examiner
Art Unit 2164

December 15, 2004